



James Hall SBI# 167581
DCC
1181 Paddock Road
Smyrna, DE 19977-5003

PaperDocuments

**U.S. District Court
District of Delaware (Wilmington)
CIVIL DOCKET FOR CASE #: 1:05-cv-00297-GMS
Internal Use Only**

Hall v. First Correctional Medical Inc. et al
Assigned to: Honorable Gregory M. Sleet
Demand: \$750,000
Related Cases: 1:04-cv-00176-GMS
1:04-cv-01328-GMS
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 05/16/2005
Jury Demand: None
Nature of Suit: 555 Prisoner: Prison
Conditions
Jurisdiction: Federal Question

Plaintiff

James Hall

represented by **James Hall**
SBI# 167581
James Hall, Pro se
DCC
1181 Paddock Road
Smyrna, DE 19977-5003
PRO SE

V.

Defendant

First Correctional Medical Inc.

Defendant

Head RN Brenda Holwerda

Defendant

Lisa Merson

Defendant

Angelica Wilson

Defendant

**Reginal H.R. Mgr
(FCM)**

Defendant

Stanly Taylor

Defendant

**Thomas Carroll
Commissioner, Warden DCC**

Date Filed	#	Docket Text
05/16/2005	<u>1</u>	MOTION for Leave to Proceed in forma pauperis - filed by James Hall. (mwm,) (Entered: 05/18/2005)
05/16/2005	<u>2</u>	COMPLAINT filed against Angelica Wilson, Reginal H.R. Mgr, Stanly Taylor, Thomas Carroll, First Correctional Medical Inc., Brenda Holwerda, Lisa Merson - filed by James Hall. (Attachments: # <u>1</u> Counts 1 and 2# <u>2</u> Counts 3 and 4# <u>3</u> Counts 5 and 6# <u>4</u> Exhibits)(mwm,) (Entered: 05/18/2005)
05/25/2005	<u>3</u>	Case assigned to Judge Gregory M. Sleet. Please include the initials of the Judge (GMS) after the case number on all documents filed. (rjb,) (Entered: 05/25/2005)
06/06/2005	<u>4</u>	ORDER granting Motion to Proceed IFP. Filing Fee of \$250 Assessed. Plaintiff requested to submit trust fund account statement. Failure to submit items within 30 days will result in dismissal of action without prejudice. Notice of Compliance deadline set for 7/6/2005. (copy to plaintiff). Signed by Judge Gregory M. Sleet on 6/6/05. (mmm) (Entered: 06/06/2005)
06/23/2005	<u>5</u>	Letter to Clerk of the Court from James Hall regarding Account Statement. (mmm) (Entered: 06/27/2005)
06/23/2005	<u>6</u>	Trust Fund Account Statement by James Hall. (mmm) (Entered: 06/27/2005)
07/07/2005	<u>7</u>	Letter to Clerk of the Court from James Hall regarding his inmate financial statement. (mmm) (Entered: 07/11/2005)
07/07/2005	<u>8</u>	Trust Fund Account Statement by James Hall. (mmm) (Entered: 07/11/2005)
07/19/2005	<u>9</u>	ORDER requesting Plaintiff to submit a complete certified copy of his prison trust fund account statement. Failure to submit items within 30 days will result in dismissal of action without prejudice. Notice of Compliance deadline set for 8/18/2005. Signed by Judge Gregory M. Sleet on 7/19/05. (asw) (Entered: 07/19/2005)
07/22/2005	<u>10</u>	Letter to the court from Mr. James Hall regarding request for docket. (ctd) (Entered: 07/27/2005)
07/22/2005	<u>11</u>	Remark: Exit copy of docket sheet sent by first class mail to Mr. James Hall. (ctd) (Entered: 07/27/2005)
07/28/2005	<u>12</u>	Letter to the Court from James Hall enclosing his trust fund account statement re <u>8</u> Order (PLRA) Missing Documents, Order (PLRA) Missing Documents. (asw) (Entered: 07/29/2005)
07/28/2005	<u>13</u>	Trust Fund Account Statement by James Hall (asw) (Entered: 07/29/2005)

08/05/2005	<u>12</u>	ORDER granting Motion to Proceed IFP. An initial partial filing fee of \$18.14 shall be required. Plaintiff shall return the attached payment authorization within 30 days. Failure to return payment authorization shall result in dismissal of action without prejudice. (Copy to pltf.) Notice of Compliance deadline set for 9/6/2005. Signed by Judge Gregory M. Sleet on 8/5/05. (asw) (Entered: 08/05/2005)
08/10/2005	<u>13</u>	Authorization by James Hall requesting Prison Business Office to disburse payments to the Clerk of the Court. (copy of assessment order and authorization to Prison Business Office) (mmm) (Entered: 08/11/2005)
08/12/2005	<u>16</u>	Postal Receipt for the mailing of process to DCC Business Office (mwm) (Entered: 04/03/2006)
08/16/2005	<u>14</u>	ACKNOWLEDGEMENT OF RECEIPT of <u>13</u> Authorization Form (PLRA) received by Delaware Correctional Center, Business Office. (mmm) (Entered: 08/16/2005)
08/17/2005	<u>1</u>	Initial Partial Filing Fee Received from James Hall: \$ 18.14, receipt number 140346 (rbe,) (Entered: 08/18/2005)
02/15/2006		***Set Paper Documents Flag (rbe,) (Entered: 02/15/2006)
02/17/2006	<u>1</u>	Partial Filing Fee Received from James Hall: \$ 1.23, receipt number 142420 (copy to business office) (rbe,) (Entered: 02/21/2006)
03/30/2006	<u>15</u>	ORDER, plaintiff shall return to Clerk original USM 285 form(s). Upon receipt, the U.S. Marshal shall serve process as directed by plaintiff. (Copy to pltf.). Signed by Judge Gregory M. Sleet on 3/30/06. (mmm) (Entered: 03/31/2006)
04/17/2006	<u>17</u>	Letter to James Hall from Clerk of the Court regarding errors on U.S. Marshal 285 forms. (mmm) (Entered: 04/18/2006)
05/04/2006	<u>1</u>	Partial Filing Fee Received from James Hall: \$.97, receipt number 143330 (copy to business office) (rbe,) (Entered: 05/05/2006)
05/12/2006	<u>18</u>	Letter to Clerk of the Court from James Hall regarding change of address. (mmm) (Entered: 05/15/2006)
05/26/2006	<u>19</u>	Letter to James Hall from Clerk of the Court regarding missing U.S. Marshal 285 form for Regional H. R. Manager (FCM). (mmm) (Entered: 05/30/2006)
06/06/2006	<u>1</u>	Remark:Plaintiff's mailing address updated on docket per <u>19</u> return address on letter filed 5/26/06. (els,) (Entered: 06/06/2006)
06/06/2006	<u>20</u>	Letter to Clerk of the Court from James Hall regarding request for docket sheet. (mmm) (Entered: 06/07/2006)
06/07/2006	<u>1</u>	EXIT docket sheet to the plaintiff on 6/7/06.(mmm) (Entered: 06/07/2006)

**U.S. District Court
District of Delaware (Wilmington)
CIVIL DOCKET FOR CASE #: 1:04-cv-01328-GMS
Internal Use Only**

Hall v. Holman, et al
Assigned to: Honorable Gregory M. Sleet
Demand: \$310,000
Related Case: 1:05-cv-00297-GMS
Case in other court: USDC/DE, 04cv176GMS
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 10/04/2004
Jury Demand: Plaintiff
Nature of Suit: 555 Prisoner: Prison
Conditions
Jurisdiction: Federal Question

Plaintiff

James Hall

represented by **James Hall**
SBI# 167581
James Hall, Pro se
DCC
1181 Paddock Road
Smyrna, DE 19977-5003
PRO SE

V.

Defendant

David Holman
Security Superintendent

represented by **Lisa Ann Barchi**
Department of Justice
820 N. French Street, 6th Floor
Wilmington, DE 19801
(302) 577-8363
Fax: (302) 577-5688
Email: lisa.barchi@state.de.us
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Lawrence McGugan

represented by **Lisa Ann Barchi**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**Acting Deputy Warden Clyde D.
Sagers**

represented by **Lisa Ann Barchi**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/04/2004	1	MOTION by James Hall to Proceed in Forma Pauperis re: [1-1] motion (els) (Entered: 10/05/2004)
10/04/2004	2	COMPLAINT filed. (els) (Entered: 10/05/2004)
10/13/2004	3	CASE assigned to Judge Gregory M. Sleet . Notice to all parties. (rbj) (Entered: 10/13/2004)
02/04/2005	4	AMENDED COMPLAINT by James Hall(mmm). Modified on 7/19/2005 (mmm). (Entered: 02/11/2005)
04/13/2005	❸5	Letter to Clerk of Court from James Hall requesting a docket sheet for his case. (asw) (Entered: 04/18/2005)
04/18/2005	❹	Remark : Docket Sheet sent to the Plaintiff, James Hall per his request - see D.I. 5. (asw) (Entered: 04/25/2005)
07/19/2005	❻6	ORDER granting Motion to Proceed IFP. Filing Fee of \$250 assessed. An initial partial filing fee of \$1.67 shall be required. Plaintiff shall return the attached payment authorization within 30 days. Failure to return payment authorization shall result in dismissal of action without prejudice. (Copy to pltf.). Notice of Compliance deadline set for 8/18/2005. Signed by Judge Gregory M. Sleet on 7/19/05. (mmm) (Entered: 07/19/2005)
07/25/2005	❺	Initial Partial Filing Fee Received from James Hall: \$ 1.67, receipt number 140082 (rbe,) (Entered: 07/25/2005)
07/26/2005	❻7	Authorization by James Hall requesting Prison Business Office to disburse payments to the Clerk of the Court. (copy of assessment order and authorization to Prison Business Office) (asw) (Entered: 07/26/2005)
08/30/2005	❻8	ORDER, plaintiff shall return to Clerk original USM 285 form(s). Upon receipt, the U.S. Marshal shall serve process as directed by plaintiff. (Copy to pltf.). Signed by Judge Gregory M. Sleet on 8/26/05. (mmm) (Entered: 08/30/2005)
09/07/2005	❻9	Letter to James Hall from the Clerk of Court regarding receipt of Marshal 285 forms. The U.S. Marshals shall serve the complaint upon the defendants in accordance with the Court's Order dated 8/30/05. (asw) (Entered: 09/07/2005)
09/07/2005	❻	Exit a certified copy of D.I. 9, Letter, 285 forms, copies of the amended complaint, and Orders dated 8/30/05 & 7/19/05 to the U.S. Marshals Office to process service. (asw) (Entered: 09/07/2005)
09/09/2005	❻10	AMENDED COMPLAINT filed by James Hall.(mmm) (Entered: 09/12/2005)
10/24/2005	❻11	WAIVER OF SERVICE with 285 form returned executed for Lawrence Mcgugan. Waiver sent on 10/13/2005, answer due 12/12/2005. (mmm) (Entered: 10/24/2005)

10/24/2005	•12	USM 285 Returned Executed on 10/13/05 as to Attorney General Jane Brady. (mmm) (Entered: 10/24/2005)
10/25/2005	•13	NOTICE of Appearance by Lisa Ann Barchi on behalf of David Holman, Lawrence McGugan, Clyde D. Sagers (Barchi, Lisa) (Entered: 10/25/2005)
10/26/2005	•14	WAIVER OF SERVICE with 285 form returned executed : For David Holman waiver sent on 10/11/2005, answer due 12/12/2005. (asw) (Entered: 10/26/2005)
10/31/2005	•15	MOTION to Appoint Counsel - filed by James Hall. (asw) (Entered: 11/01/2005)
10/31/2005	•16	MEMORANDUM OF LAW in Support re <u>15</u> MOTION to Appoint Counsel filed by James Hall. Answering Brief/Response due date per Local Rules is 11/15/2005. (asw) (Entered: 11/01/2005)
10/31/2005	•17	AFFIDAVIT in support of re <u>15</u> MOTION to Appoint Counsel filed by James Hall. (asw) (Entered: 11/01/2005)
10/31/2005	•	DEFICIENCY NOTICE by the Court issued to James Hall returning Discovery documents (Requests for Admissions; Interrogatories; and Production of Documents <u>15</u> MOTION to Appoint Counsel. (asw) (Entered: 11/01/2005)
11/02/2005	•18	Letter to James Hall from Lisa Barchi, DAG regarding Opposition to Discovery. (Barchi, Lisa) (Entered: 11/02/2005)
11/09/2005	•19	Letter to Clerk of the Court from James Hall regarding request for Delaware Local Rules and docket sheet. (mmm) (Entered: 11/09/2005)
11/10/2005	•20	Letter to James Hall from Clerk of the Court regarding Local Rules and docket sheet - re <u>19</u> Letter. (mmm) (Entered: 11/10/2005)
11/10/2005	•21	RESPONSE to Motion re <u>15</u> MOTION to Appoint Counsel filed by David Holman, Lawrence McGugan, Clyde D. Sagers. (Barchi, Lisa) (Entered: 11/10/2005)
11/14/2005	•22	OBJECTIONS by James Hall to <u>18</u> Letter. (Attachments: # 1 # 2)(mmm) (Entered: 11/15/2005)
11/21/2005	•23	REPLY BRIEF re <u>15</u> MOTION to Appoint Counsel filed by James Hall. (mmm) (Entered: 11/22/2005)
11/29/2005	•24	MEMORANDUM AND ORDER denying <u>15</u> MOTION to Appoint Counsel filed by James Hall . Signed by Judge Gregory M. Sleet on 11/29/05. (asw) (Entered: 11/29/2005)
12/06/2005	•25	WAIVER OF SERVICE with 285 form returned executed for Clyde D. Sagers. Waiver sent on 11/22/2005, answer due 1/23/2006. (mmm) (Entered: 12/06/2005)
12/08/2005	•26	MOTION to Stay <i>Discovery</i> - filed by David Holman, Lawrence McGugan, Clyde D. Sagers. (Attachments: # 1 Exhibit Plaintiff's Request

		for Production of Documents# <u>2</u> Exhibit Plaintiff's Request for Interrogatories)(Barchi, Lisa) (Entered: 12/08/2005)
12/08/2005	<u>•27</u>	MOTION for Summary Judgment, MOTION to Dismiss for Failure to State a Claim - filed by David Holman, Lawrence McGugan, Clyde D. Sagers. (Barchi, Lisa) (Entered: 12/08/2005)
12/08/2005	<u>•28</u>	OPENING BRIEF in Support re <u>27</u> MOTION for Summary Judgment MOTION to Dismiss for Failure to State a Claim filed by David Holman, Lawrence McGugan, Clyde D. Sagers. Answering Brief/Response due date per Local Rules is 12/22/2005. (Attachments: # <u>1</u> # <u>2</u> # <u>3</u> # <u>4</u> # <u>5</u> # <u>6</u> # <u>7</u> # <u>8</u> # <u>9</u> # <u>10</u> # <u>11</u> # <u>12</u>)(Barchi, Lisa) (Entered: 12/08/2005)
12/20/2005	<u>•29</u>	MOTION to Appoint Counsel - filed by James Hall. (mmm) (Entered: 12/22/2005)
12/20/2005	<u>•30</u>	ANSWERING BRIEF in Opposition re <u>26</u> MOTION to Stay <i>Discovery</i> or, Motion to Strike filed by James Hall. Reply Brief due date per Local Rules is 12/28/2005. (mmm) (Entered: 12/22/2005)
12/27/2005	<u>•31</u>	ANSWERING BRIEF in Opposition re <u>27</u> MOTION for Summary Judgment MOTION to Dismiss for Failure to State a Claim filed by James Hall. Reply Brief due date per Local Rules is 1/4/2006. (Attachments: # <u>1</u>)(mmm) (Entered: 12/27/2005)
12/27/2005	<u>•32</u>	AFFIDAVIT of James Hall filed by James Hall. (mmm) (Entered: 12/27/2005)
12/27/2005	<u>•33</u>	MOTION for Summary Judgment - filed by James Hall. (Attachments: # <u>1</u> # <u>2</u> # <u>3</u> # <u>4</u>)(mmm) (Entered: 12/27/2005)
12/27/2005	<u>•34</u>	MOTION to Amend/Correct <u>31</u> Answering Brief in Opposition - filed by James Hall. (mmm) (Entered: 12/27/2005)
01/04/2006	<u>•35</u>	Letter to The Honorable Gregory M. Sleet from Lisa Barchi, DAG regarding Defendants' Opposition to Plaintiff's Renewed Motion for Appointment of Counsel - re <u>29</u> MOTION to Appoint Counsel. (Barchi, Lisa) (Entered: 01/04/2006)
01/06/2006	<u>•36</u>	ANSWERING BRIEF in Opposition re <u>33</u> MOTION for Summary Judgment, <u>27</u> MOTION for Summary Judgment MOTION to Dismiss for Failure to State a Claim filed by David Holman, Lawrence McGugan, Clyde D. Sagers. Reply Brief due date per Local Rules is 1/13/2006. (Attachments: # <u>1</u> Exhibit Classification Page# <u>2</u> Exhibit Incident Report)(Barchi, Lisa) (Entered: 01/06/2006)
01/19/2006	<u>•37</u>	REPLY BRIEF re <u>33</u> MOTION for Summary Judgment filed by James Hall. (Attachments: # <u>1</u> Exhibit # <u>2</u> Exhibit # <u>3</u> Exhibit # <u>4</u> Exhibit # <u>5</u> Exhibit)(mmm) (Entered: 01/20/2006)
05/12/2006	<u>•38</u>	Letter to Clerk of the Court from James Hall regarding change of address. (mmm) (Entered: 05/15/2006)
05/30/2006	<u>•39</u>	ORDER granting <u>34</u> Motion to Amend/Correct. Signed by Judge

		Gregory M. Sleet on 5/30/06. (mmm) (Entered: 05/31/2006)
05/30/2006	•40	ORDER denying without prejudice <u>29</u> Motion to Appoint Counsel. Signed by Judge Gregory M. Sleet on 5/30/06. (mmm) (Entered: 05/31/2006)